

Applic. No. 10/033,127
Amdt. dated September 26, 2006
Reply to Office action of August 21, 2006

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 2-5, 7, 10, and 12 remain in the application. Claims 10 and 12 have been amended. Claims 1, 8, 9, 11, 13, and 14 were previously cancelled from the application.

In item 2 on page 2 of the above-identified Office action, claims 2-5, 7, 10, and 12 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that in claims 10 and 12 it is not clear how the roller upon which the metering elements acts can be a roller that interacts with both an ink form roller and a printing form roller. Claims 10 and 12 have been amended as suggested by the Examiner so as to further clarify the claim. Therefore, the rejection has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be

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resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 4 on page 2 of the above-noted Office action, claims 2, 3, 5, 7, 10, and 12 have been rejected as being obvious over Chase et al. (U.S. Patent No. 2,986,088) (hereinafter "Chase") in view of Dini (U.S. Patent No. 3,964,386) and Konrad et al. (U.S. Patent Application Publication No. 2002/0014171 A1) (hereinafter "Konrad") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller.

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On page 3 of the Office action the Examiner alleges that Chase discloses "a single metering element (25, Fig. 1) operatively engaging with a roller (23, Fig. 1), said roller being a roller operatively engaging with an ink form roller (24, Fig. 1), said roller rolling on said ink form roller during a printing operation ...". Applicant respectfully disagrees with the Examiner. More specifically, as will be seen from the following remarks the feed roller (24) of Chase is not an ink form roller and thus the roller (23) is not a roller operatively engaging with an ink form roller.

The Chase reference discloses an inking arrangement for a rotary printing press having a plate cylinder (11), a fountain roller (23), a feed roller (24), and a form roller (30). Chase discloses that amount of ink supplied to the fountain roller (23) is controlled by a blade (25). The plate cylinder (11) of Chase reads on the printing form cylinder of the present invention, the blade (25) of Chase reads on the metering element of the present invention, and the single form roller (30) of Chase reads on the ink form roller of the present invention.

In order for Chase to read on the present invention as claimed, the blade (25) of Chase would have to engage either

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the feed roller (24) or the single form roller (30). However, Chase does not disclose that the blade engages either the feed roller (24) or the single form roller (30). Instead, Chase discloses that the blade (25) engages the fountain roller (23) (column 3, lines 57-59 and Fig.1). Chase discloses that the fountain roller does not engage the single form roller (30). Accordingly, Chase does not disclose that the blade (25) engages a roller, which operatively engages with the ink form roller. Therefore, it is respectfully believed that the Examiner's allegation with respect to the single metering element, is not accurate.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the above-given remarks, the references do not show or suggest a single metering element operatively engaging with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller.

The Chase reference discloses that a blade engages the fountain roller. Chase does not disclose that the blade engages an ink form roller or a roller operatively engaged to the ink form roller. This is contrary to the invention of the

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instant application as claimed, in which a single metering element operatively engages with a roller, the roller being one of an ink form roller and a roller operatively engaging with an ink form roller.

Dini and Konrad do not make up for the deficiencies of Chase.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Moreover, there is no motivation for a person of ordinary skill in the art to modify Chase to have the blade (25) engage anything but the fountain roller (23) of Chase.

In item 5 on page 5 of the above-noted Office action, claim 4 has been rejected as being obvious over Chase (U.S. Patent No. 2,986,088) in view of Dini (U.S. Patent No. 3,964,386) and Konrad (U.S. Patent Application Publication No. 2002/0014171 A1) and further in view of Jeschke (U.S. Patent No. 4,089,264) under 35 U.S.C. § 103. Jeschke does not make up for the deficiencies of Chase, Konrad and Dini. Since claim 1 is believed to be allowable, dependent claim 4 is believed to be allowable as well.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 10 or 12. Claims 10 and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 2-5, 7, 10, and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



For Applicant(s)

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